Secta. II-37—100,000—21-5-48.

E & P.H (1948) Department.

Ms. SERIES.

G.O. No. Ms. 158 P.H

Dated 19th January

[Despatch Abstract.]

Licenses - Places of Public Resort Act -Cancellation of licences by District Magistrates -Instructions issued -

E. & P.H.(F2) DEPT.

SUB: Licence - Places of Public Resort Act - Cancellation of licences by District Magistrates - Instructions issued -

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G.O.(MS.)NO.158, PUBLIC HEALTH, DATED 19-1-1948.

O R D E R:

It has been brought to the notice of Government that recently a District Magistrate cancelled the licence issued by the President of a Panchayat Board under section 7 of the Places of Public Resort Act, 1888, in respect of a show which was being exhibited in the district. The District Magistrate cancelled the licence in exercise of the powers conferred on him by section 12 of the Act. The order of the District Magistrate contained no reasons for the cancellation and it appeared that he acted mainly on the report of the District Superintendent of Police, without making any further enquiry or inspection.

2. A District Magistrate acting under section 12 of the Act is given the same power as the authority holding the proceeding viz. the licensing authority has under section 7. A licensing authority should record ~~various~~ reasons in writing before refusing a licence under section 7 or remoking a licence under section 9. The omission to record reasons for cancelling a licence before the expiry of its term by the District Magistrate, will be a material irregularity. The District Magistrates are informed that it is difficult to construe section 12 of the Act to mean that they can pass an order cancelling a licence arbitrarily and without any reference to the proceedings already taken by the licensing authority under the Act. They are requested to see that normally and except in cases of real emergency, a licence is not cancelled before giving the party affected as well as the licensing authority an opportunity to show cause against the orders they propose to pass.

xxx
30-12-47.

To
All District Magistrates.
Special Officers of District Boards.
The Executive Authorities of Municipalities
through the Chairman.
The Legal Deptt.
The Home Department.

/True copy/

Superintendent,
Madras Record Office.

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